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Sven Schwerin-Wenzel

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EXAMINER

CHUMPITAZ, BOB R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/750,406	Applicant(s) SCHWERIN-WENZEL ET AL.	
	Examiner BOB CHUMPITAZ	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,8,9,28,29 and 31-49 is/are pending in the application.
- 4a) Of the above claim(s) 5, 7, 10-27, 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8,9,28,29 and 31-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a Non-Final Office Action in response to communication received October 1, 2009. Claims 1-4, 6, 8, 9, 28, 29 and 31-49 have been amended. Claims 5, 7, 10-27 and 30 have been cancelled. Therefore, claims 1-4, 6, 8, 9, 28, 29 and 31-49 are pending and addressed below.

Response to Amendments

In light of amendments to claims 36-49, the Examiner withdraws the previous claim objections to claims 36-49.

In light of amendments to claim 4, the Examiner withdraws the previous claim 35 USC 112 2nd paragraph rejection to claim 4.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 6, 8-9, 28-29 and 31-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The first step in determining whether a claim recites patent eligible subject matter is to determine whether the claim falls within one of the four statutory categories of invention recited in 35 USC 101: process, machine, manufacture and composition of matter. The latter three categories define "things" or "products", while a "process" consists of a series of steps or acts to be performed.

In Claims 1-4, 6, 8-9, 28-29 and 31-35, the claims are drawn to a computer-implemented method. For purposes of 101, a "process" has been given a specialized, limited meaning by the courts. Based on *In re Bilski* (Federal Circuit 2007- 1130), the court outlined a test used to determine whether a method satisfies 35 USC 101, is a machine-or-transformation test. *In re Bilski* states "the machine-or-transformation test is a two-branched inquiry; an applicant may show that a process claim satisfies 101 either by showing that his claim is tied to a particular machine, or by showing that his claim transforms an article. See *Benson*, 409 U.S. at 70. Certain considerations are applicable to analysis under either branch. First as illustrated by *Benson* and discussed below, the use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent eligibility. See *Benson*, 409 U.S. at 71-72. Second, the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity. See *Flook*, 437 US at 590. Claims 1-4, 6, 8-9, 28-29 and 31-35 are drawn to a computer-implemented method comprising: "connecting source systems..."; "configuring the information systems..."; "generating, via portal, an individually configurable user interface..." and "populating said individual configurable user interface with monitoring information..." As currently recited, all of these steps do not require the use of particular machine to perform the functions. For example the process for "populating said individual configurable user interface with monitoring information and features regarding a corporate integration on said individually configurable user interface..." can simply be performed by a user via a computer

Art Unit: 3629

terminal, by performing data aggregation operations of acquisition integration data files.

Note, in the example the actual data aggregation procedures are performed by the user not the computer. Therefore the claims do not pass the machine-or-transformation test and are hence not directed to statutory subject matter. For example, by *identifying the machine that accomplishes* the method steps, or *positively reciting* the article that is being transformed. Please note that ***nominal recitations of a machine in an otherwise ineligible method fail to make the method a statutory process***. See Benson, 409 U.S. at 70 - 72. As Comiskey recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." Comiskey, 499 F.3d at 1380 (citing *In re Grams*, 888 F.2d 835, 839-40 (Fed.Cir. 1989)). Incidental physical limitations, such as data gathering, field of use limitations, storing, collecting, sending, receiving, and other forms of insignificant extra solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of involvement of a machine or transformation in a method claim do not convert an otherwise ineligible claim into an eligible one. *Ex parte Langemyr* (2008) and *In re Bilski*, (Fed. Cir. 2008). Therefore, the applicable test to determine whether a claim is drawn to a patent-eligible process under §101 is the machine-or-transformation test set forth by the Supreme Court and clarified herein, and Applicants' claim here appears to fail this test. No new matter should be added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 28-29, 31-40 and 43-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry et al. (US 2002/0169649 A1, hereinafter Lineberry) in view of Marpe et al. (US 2002/0184191 A1, hereinafter Marpe).

As per claims 1, 35, 36 and 49, Lineberry discloses a computer-implemented method and system for acquisition integration [0042] comprising:

connecting source systems, including information systems, of at least two enterprises with base system connectors using a markup language ([0018, 42-45, 53, 78] method and system based acquisition integration tool, for incorporating the integration of one or more entities);

configuring the information systems of the at least two enterprises to operate as a single logical physically distributed information system across one or more information systems of the at least two enterprises using processes, modules, application logic, and framework stored in a memory that conform to an architecture supported by a platform including a portal through which data is requested and received by clients ([0042-45, 53, 78] method and system based acquisition integration tool, for incorporating the integration of one or

Art Unit: 3629

more entities; [0057-65] acquisition integration main user interface for the acquisition integration framework tool);

generating, via the portal, an individually configurable user interface remotely connected to said single logical physically distributed information system ([0051, 54, 57-65] main user interface includes headings for a variety of business applications, deliverables and checklists of the integration areas);

With respect to “...with templates interacting with metadata to format information according to preset conditions, the metadata describing roles, work sets, and personalization information and interacting with the application logic,” Lineberry further discloses generating different types of user interfaces for each phase of the integration operations, for example the following integration phases: pre-due diligence, due diligence, and post sign/pre close, pre close, and transition to operations, where pre-due diligence represents the pre-restructuring activities, the due diligence, post sign/pre close, and pre close activities represents the restructuring activities, and the transition to operations represents the post restructuring activities ([0045]); and labor relations, employment practices employee services implementation and a compensation integration area, where the integration between the two companies achieves realignment of compensation ([0058-59]; see also claim 13 and associated text). Additionally, Marpe teaches the process of formatting information from one platform to another ([0080] markup language). Furthermore, Marpe teaches development of guiding principles that

provide the framework for making key integration decisions and support the objectives of the merger and acquisition, and success factors which are conditions which should be met in order to deem the integration a success or consider the integration complete ([0548, 612, 696]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the configurable user interface of Lineberry to include a data formatting mechanism that is capable of configuring data associated to any specific business platform as taught by Marpe in order to configure and display information representing the stages of the acquisition integration area.

Lineberry further discloses populating said individually configurable user interface with monitoring information and features regarding a corporate integration on said individually configurable user interface ([0057-67, 76-78] main user interface includes headings for a variety of business applications, deliverables and checklists of the integration areas) comprising:

- making a deal selection choice, including defining acquisition objectives,
- performing due diligence research, and identifying synergies, risks, and a realization plan ([0057] groupings of predefined integration areas; see also [0067]
- a business leader integration area user interface that consists of printer friendly reports which includes integration events such as to schedule and participate in integration strategy workshop; see also Fig. 1: deliverables checklist, Fig. 8: Deal approval, Projected deal synergies, Fig. 9: Achieving deal synergies, Fig. 13: Deal team, Fig. 19: integration progress report; see also claim 44 managing acquisition

Art Unit: 3629

integration to achieve acquisition synergies); planning an integration, including establishing short term and long term tasks and communicating goals and decisions to users ([0012, 16, 18-21] a method in a computer for generating an acquisition integration project plan; see also Fig. 8: building integration plan, execute integration plan); executing a transaction, comprising structuring the acquisition by type, tax implication and legal issues (Fig. 8: building integration plan, execute integration plan, Fig. 12: ensure plan execution); executing an integration, including operating and managing integration projects and subprojects, designing a new organization, managing an integration of information technologies, human resources, financials, and procurements ([0069] transition of operations; see also Fig. 8: building integration plan, execute integration plan); and making a post-integration assessment, including measuring achieved synergies, assessing potential improvements, and applying said assessment to future transactions ([0069, 73, 75, 78] integration events including post signing, post closing and integration events which take place after closing).

Examiner notes:

With respect to “configurable user interface comprising making a deal selection choice, planning an integration, executing a transaction, executing an integration, and making a post-integration assessment,” the specific types of integration user interface categories, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of

Art Unit: 3629

acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F .2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F .3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

As per claims 2 and 37, the Lineberry/Marpe combination disclose claims 1 and 36 as rejected above, and with respect to: “a computer-implemented method and system providing an executive cockpit monitoring interface, a training management interface, a deliverables interface, a project managing interface, and a communications management interface on said individually configurable user interface; and configuring said user interface with an object modeling- tool to create business objects and a project modeling tool to create project modules,” Lineberry discloses wherein a method for acquisition integration planning is provided which comprises selecting, from an electronic interface, at least one of a plurality of integration areas, identifying a responsible person for each integration area using the interface, identifying a responsible person and a due date for each integration event within an integration area through the interface, and requesting, from the electronic interface, a percentage completion for each integration event [0016]; and where a method is provided for operating a computer which comprises prompting a user to select an integration area from an acquisition integration main user interface, displaying a set of selectable integration events for the selected integration area, and generating an integration project plan incorporating selected integration events [0019]; and lastly wherein a user interfaces to develop a computer program that is executable by computer systems and a system based

Art Unit: 3629

acquisition integration tool provides a framework for generating such a plan [0045]. Furthermore, Marpe teaches a user interface that allows a user the access to various management, planning, training and any other functions related to merger and acquisition ([0039, 0041, 0104, 0161-0162, 0168, 0178, 0659, 0710 user interface...discussion database interface page available to the user of the merger and acquisition engine... merger and acquisition engine develops and retains institutional knowledge related to consolidation thus reducing cost related to training....various categories of project management tools, a planning guide, industry solution packs relating to merger and acquisition may be retrieved from interface...communicating the target environment to employees and conducting training])). The Examiner notes, although Lineberry and Marpe teach one or more different types of user interfaces for the acquisition integration system the specific types of user interface categories, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

As per claims 3 and 38, the Lineberry/Marpe combination disclose claims 2 and 37 as rejected above, and with respect to: “a computer-implemented method and system wherein said executive cockpit monitoring interface further comprises a team roster, a task list, a shared folder, a meeting scheduler, an issue list, a decision list, an integration status, and a tracker tool,” Lineberry further discloses a method for acquisition integration planning is provided which comprises selecting, from an electronic interface, at least one of a plurality of integration areas,

Art Unit: 3629

identifying a responsible person for each integration area using the interface, identifying a responsible person and a due date for each integration event within an integration area through the interface, and requesting, from the electronic interface, a percentage completion for each integration event [0016]; and an integration progress report user interface showing a percentage completion against plan with respect to each of the integration areas and headings used to group integration events, also shows the processes relevant to integration of the acquisition, broken out by phase in the acquisition integration, including pre-due diligence, due diligence, post signing/pre-closing, post closing, and transition to operations phases ([0003-7, 65-67, 75]; see also [0044] a tracking of tasks; [0069] as shown on user interface 200, for the intellectual property acquisition integration task, there are multiple, pre-defined integration events listed; see also Fig. 1: deliverables checklist, Fig. 8: schedule, Fig. 19: integration progress report; see also claim 44 managing acquisition integration to achieve acquisition synergies). The Examiner notes, although Lineberry further discloses one or more different types of user interfaces for the acquisition integration system the specific types of user interface categories, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

As per claims 4 and 39, the Lineberry/Marpe combination disclose claims 2 and 37 as rejected above, and with respect to: “a training rollout management sub-module to request, schedule, and

Art Unit: 3629

monitor execution of training sessions, and a platform to facilitate training by functioning as a class repository, a master training scheduler, an electronic mailer, and as a training archive; wherein the master training scheduler further comprises a department specific scheduling service, a department specific planning service, a role specific planning service, and a role specific scheduling service,” Lineberry further discloses a method and system wherein a database for acquisition integration is provided which comprises data corresponding to at least one integration area and data corresponding to integration for each integration area [0014], and where a method for acquisition integration planning is provided which comprises selecting, from an electronic interface, at least one of a plurality of integration areas [0016]. Additionally, Marpe teaches various functional and user interface features which may be enabled using software programming, i.e. object oriented programming (OOP) [0039], and wherein the OOP components are reusable software modules which present an interface that conforms to an object model and which are accessed at run-time through a component integration architecture [0045]. Marpe also teaches a discussion database of the merger and acquisition (M&A) engine [0106], and wherein the M&A engine improves resolution during the transition by utilizing discussion databases to submit and/or answer issues, questions, topics, etc. which gives key stakeholders an improved understanding of the most current status of key deliverables [0098]. Furthermore, Marpe teaches communicating the target environment to employees and conducting training [0710]. Lastly, Marpe teaches a workbench repository [0348], a project planning repository [0351], a deliverables repository [0373], and an assessment repository [0424]. The Examiner notes, although Lineberry and Marpe teach one or more different types of user interfaces for the acquisition integration system the specific types of user interface categories, is deemed to be

Art Unit: 3629

nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

As per claims 6 and 40, the Lineberry/Marpe combination disclose claims 2 and 37 as rejected above, and with respect to: “a reference model, a methodology tracker, help tool contextual tools, a baseline of combined spending, a depletion plan, an organizational structure, a view of current capabilities, and a view of material synergies; and providing a sub-deliverable interface comprising security permissions, one or more characteristics of a deliverables room, and the ability to generate and assign tasks in a synergy achievement,” Lineberry further discloses a method and system consisting the deliverables interface (Lineberry discloses prompting a user with a set of integration events and deliverables checklists for selected integration area (Figs. 1, 9, 13: Deliverables checklist), and where a computer program embodied on a computer readable medium is provided which comprises a code segment that manages integration areas for acquisition integration [0018], and where a method for acquisition integration planning is provided which comprises selecting, from an electronic interface, at least one of a plurality of integration areas [0016]). Lastly Lineberry discloses a centralized database stored on a database server and which is accessible by users at one of user devices by logging onto a server sub-system [0051], and a main user interface that includes headings for commercial, operational, human resources, legal, and financial [0057], and a user interface that further includes integration

Art Unit: 3629

sub-events which further define the integration events to be accomplished [0073]. Additionally, Marpe teaches various functional and user interface features which may be enabled using software programming, i.e. object oriented programming (OOP) [0039], and wherein the OOP components are reusable software modules which present an interface that conforms to an object model and which are accessed at run-time through a component integration architecture [0045]. In addition, Marpe teaches a discussion database of the merger and acquisition (M&A) engine [0106], and wherein the M&A engine improves resolution during the transition by utilizing discussion databases to submit and/or answer issues, questions, topics, etc. which gives key stakeholders an improved understanding of the most current status of key deliverables [0098]. Furthermore, Marpe teaches communicating the target environment to employees and conducting training [0710]. Lastly, Marpe teaches a workbench repository [0348], a project planning repository [0351], a deliverables repository [0373], and an assessment repository [0424]. The Examiner notes, although Lineberry and Marpe teach one or more different types of user interfaces for the acquisition integration system the specific types of user interface categories, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

As per claims 28 and 43, the Lineberry/Marpe combination disclose claims 2 and 37 as rejected above, where Lineberry further discloses providing a selection on the plurality configurable user

Art Unit: 3629

interface that allows a stakeholder to select a view of one or more lists of deliverables by a meeting date and a task force, the user interface further being adapted to present a deliverables tracker reference session link ([0016, 17, 19, 25-40, 44-45, 56-58, 63] electronic interface...acquisition integration main user interface displaying a set of selectable integration events for the selected integration area, and generating an integration project plan incorporating selected integration events...system for clear communication and tracking of tasks performed in connection with an integration....devices are interconnected to the network through many interfaces; see also, [0049-50] a system includes a server sub-system and a plurality of devices, where the devices are computers including a web browser and are connected to server. The Examiner notes, although Lineberry discloses the claimed limitations noted above, the providing of specific types of user interface categories, with user selection capabilities, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

As per claims 29 and 44, the Lineberry/Marpe combination disclose claims 28 and 43 as rejected above, where Lineberry further discloses providing a view of one or more lists including a meeting date, a time, a milestone, a location, and a deliverable information, the deliverable information comprising a name, a task force, a requester, an assignee, and a status ([0008, 10, 18, 30, 34, 41, 44-46, 64] checklists utilized in the due diligence phase of an

Art Unit: 3629

acquisition...acquisition integration plan, deliverable checklists...business leader integration area and deliverable checklist user interface...spreadsheets listing integration areas and events; see also Fig. 1: deliverables checklist, Fig. 8: schedule, Fig. 19: integration progress report; see also claim 44 managing acquisition integration to achieve acquisition synergies). The Examiner notes, although Lineberry discloses the claimed limitations noted above, the providing of specific types of user interface categories is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

As per claims 31 and 45, the Lineberry/Marpe combination disclose claims 1 and 36 as rejected above, and with respect to: “configuring the individually configurable user interface based on the exchange of metadata by a security clearance of a user and the single logical physically distributed information system.” Lineberry further discloses an electronic user interface for acquisition integration planning [0016], and a system that displays integration area and deliverable checklist user interface ([0018, 30, 44-45, 64, 66, 69, 77] system displays integration area and deliverable checklist user interface; see also Fig. 13, item 210; see also, claims 44 & 57 computer program embodied on a computer readable medium for managing acquisition integration to achieve acquisition synergies....computer program comprising a code segment that monitors the security of the system by restricting access to unauthorized individuals...system facilitates clear communication and tracking of tasks performed in connection with an

Art Unit: 3629

integration...list of deliverables used to determine whether all tasks associated with a particular integration event have been completed). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user interface of Lineberry in order to provide security restrictions access to unauthorized users associated with the acquisition integration process. The Examiner notes, although Lineberry discloses the claimed limitations noted above, the providing of specific types of user interface categories is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

As per claims 32 and 46, the Lineberry/Marpe combination disclose claims 1 and 36 as rejected above, where Lineberry further discloses providing for communication between the single logical physically distributed information system and the individually configurable user interface by using extensible markup language, web services, request for comments or transmission connect protocol/internet protocol ([0054] one of user devices 14 includes a work station 54 located at a remote location; and [0051, 55-56] user interface 100 for an acquisition integration framework tool; workstations are coupled via internet link or are connected through the intranet...user system via a telephone link...link exists where user can notify administrator; see also [0057-67] main user interface 110 includes headings for Commercial, Operational, Human Resources, Legal, and Financial, under each heading are groupings of pre-defined integration

Art Unit: 3629

areas, which are selectable by a user; see also [0076-78] the use of system 10 provides an integration team with the resources needed to perform the acquisition integration tasks involved when combining one business entity into another).

As per claims 33 and 47, the Lineberry/Marpe combination disclose claims 1 and 36 as rejected above, where Lineberry further discloses connecting the single logical physically distributed information system and the individually configurable user interface via an enterprise connector interface, internet communication manager/internet communications framework, or an encapsulated postscript ([0051, 55-56] user interface 100 for an acquisition integration framework tool; workstations are coupled via internet link or are connected through the intranet...user system via a telephone link...link exists where user can notify administrator; see also [0057-67] main user interface 110 includes headings for Commercial, Operational, Human Resources, Legal, and Financial, under each heading are groupings of pre-defined integration areas, which are selectable by a user; see also [0076-78] the use of system 10 provides an integration team with the resources needed to perform the acquisition integration tasks involved when combining one business entity into another).

As per claims 34 and 48, the Lineberry/Marpe combination disclose claims 4 and 39 as rejected above, and with respect to: “providing said training management interface to serve as a training rollout management sub-module to request, schedule and monitor an execution of one or more web-based training sessions, and to facilitate one or more web-based training processes,”

Lineberry further discloses an acquisition integration plan for each integration area and each

Art Unit: 3629

phase of acquisition, integration events and deliverables and where a user is able to construct a customized integration plan using those areas and events the user [0045-46]; and a deliverables checklist user interface, a project plan user interface and a target management user interface [0064, 67, 73]. Additionally, Marpe teaches various functional and user interface features which may be enabled using software programming, i.e. object oriented programming (OOP) [0039], and wherein the OOP components are reusable software modules which present an interface that conforms to an object model and which are accessed at run-time through a component integration architecture [0045]. In addition, Marpe teaches a discussion database of the merger and acquisition (M&A) engine [0106], and wherein the M&A engine improves resolution during the transition by utilizing discussion databases to submit and/or answer issues, questions, topics, etc. which gives key stakeholders an improved understanding of the most current status of key deliverables [0098]. Furthermore, Marpe teaches communicating the target environment to employees and conducting training [0710]. Lastly, Marpe teaches a workbench repository [0348], a project planning repository [0351], a deliverables repository [0373], and an assessment repository [0424]. The Examiner notes, although Lineberry and Marpe teach one or more different types of user interfaces for the acquisition integration system the specific types of user interface categories, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

Claims 8-9 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry in view of Marpe and in further view of Simon (US 2003/0113700 A1) and/or Sanches (US 2003/0018510 A1).

As per claims 8-9 and 41-42, the Lineberry/Marpe combination disclose claims 2 and 37 as rejected above, where Lineberry further discloses a business leader integration area user interface that consists of printer friendly reports which includes integration events such as to schedule and participate in integration strategy workshop [0067], but does not expressly disclose: “providing a collaborative calendar displaying merger related events, milestones, and facilitating training management”; “providing the collaborative calendar to monitor one or more rollout trainings and scheduling one or more services for a plurality of stakeholders, wherein providing the collaborative calendar further comprises displaying information relating to at least one of a stakeholder role and a merger group, and is further adapted to allow an exchange of information with an external calendar tool.” However, Marpe further teaches various workbench access database tables that are relevant for the executive dashboard, and where such tables include the issues table, key milestones table, as well as the calendar table, and where all tables are stored in a database [0217, Fig. 9: see associated text]. In addition, Marpe teaches a reference section that contains additional tools necessary during the M&A, and where there are four reference functions namely deliverables library, contacts, calendars, and organizational charts [0458]. The calendars allow users to create and retrieve project calendars to track meeting schedules [0506]. Additionally, Simon and/or Sanches both teach a training system applicable to business mergers and acquisition (Simon: [0005-0008 compliance training for corporate mergers and acquisition...updating training content is available to account for legal and regulatory changes];

Art Unit: 3629

see also, [0010-0019, 0037 training modules....automatic e-mail system]; see also, [0020 on-line and off-line training modules on numerous compliance topics]; Sanches: [0002, 0011, 0030, 0037 system and method and software tools to direct and manage enterprise wide activities or initiatives for example mergers, reorganizations, and other enterprise-wide strategic change or other activities....action management system for planning and managing includes an management database, an action item scheduler for assigning and scheduling action items...action item scheduler]; see also, [0043, 0060, 0063, 0107, 0121 web-based user training...training is provided and managed]; see also, [0166-0167, 0176-0177, 0183-0184 integration action management...acquisition integration training....reorganization training employees]; see also, [0291, 0294, 0307-0313, 0365 task scheduler...notification schedule, action item scheduler]). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lineberry to include an interactive calendar as taught by Marpe and to include a training system as taught by Simon and/or Sanches in order to effectively monitor or manage the training process of employees using a wide range of collaboration tools so that management can direct synchronized, consistent execution of their strategic plans across and entire or multiple organizations. The Examiner notes, although the Lineberry and Marpe and Simon and Sanches disclose the claimed limitations noted above, the providing of specific types of user interface categories "calendar displays", is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

Please note:

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Applicant(s) are reminded that optional or conditional elements do not narrow the claims because they can always be omitted. See *e.g.* MPEP §2106 II C: “Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.]”; and *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) “As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted.” *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006)(where the Federal Circuit affirmed the Board’s claim construction of “further including that said wall may be smooth, corrugated, or profiled with increased dimensional proportions as pipe size is increased” since “this additional content did not narrow the scope of the claim because these limitations are stated in the permissive form ‘may.’”).

Art Unit: 3629

Functional recitation(s) have been considered but given less patentable weight because they fail to add any steps and are thereby regarded as intended use language. The step of providing a view of one or more lists would be performed the same regardless of what type of categories they belong to. A recitation of the intended use of the claimed invention must result in additional steps. See *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1375-76, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001) (Where the language in a method claim states only a purpose and intended result, the expression does not result in a manipulative difference in the steps of the claim.).

Response to Arguments

In the remarks submitted on October 1, 2009, Applicant argues the following:

(1) Applicants respectfully submit that Lineberry and Zhang, whether viewed separately or in combination, do not disclose each and every limitation of Applicants' newly amended independent claim 1. Applicants respectfully submit that Lineberry and Zhang do not disclose any of the limitations as recited in Applicants' newly amended claim 1. Applicants note that in order for the references cited to render newly amended claim 1 unpatentable under 35 U.S.C. 103, the references cited must disclose each and every limitation in their entirety. Applicants further note that Lineberry and Zhang do not disclose any of the following elements recited with the above limitations: source systems, information systems, base system connectors, portals, templates, or metadata. Applicants finally note that even if the Examiner believes or characterizes Lineberry and Zhang to disclose the above elements, Lineberry and Zhang still would not render claim 1

Art Unit: 3629

unpatentable because they do not appear to disclose those elements as recited with the above limitations to perform the claimed method. Further, Applicants have amended claims 35, 36, and 49 to include limitations similar to that of claim 1. Therefore, Applicants respectfully submit that claims 35, 36, and 49 are in condition for allowance as well. Since the remaining claims depend, either directly or indirectly, from claims 1, 35, 36, or 49, Applicants respectfully submit that those claims are also in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103 is respectfully requested.

In response to argument (1), based on the new grounds of rejection, argument (1) is moot. Please see rejections above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOB CHUMPITAZ whose telephone number is (571)270-5494. The examiner can normally be reached on M-TR: 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN WEISS can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6494.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

Art Unit: 3629

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. C.

Examiner, Art Unit 3629

/JOHN G. WEISS/

Supervisory Patent Examiner, Art Unit 3629